

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00095-MR-WCM**

JORDAN-ASHLEY, LLC; GREAT
TRAIN ROBBERY SOLAR PLANT
LLC; STORAGE DEPOT NC, LLC;
THE GREAT TRAIN ROBBERY, LLC;
and MOUNTAIN REALTY, LLC,

Plaintiffs,

vs.

PUERTO NUEVO MEXICAN AND
SEAFOOD RESTAURANT, INC.;
PUERTO NUEVO COMMERCIAL
REAL ESTATE LLC; NICOLAS
LEON; JAIME LEON; JAVIER LEON
OLIVARES; JOSE A. OLIVARES;
and EDGAR GUZMAN,

Defendants.

ORDER

THIS MATTER is before the Court on the Motion to Dismiss filed by the Defendants Puerto Nuevo Mexican and Seafood Restaurant, Nicholas Leon, and Jaime Leon [Doc. 12] and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate

Judge, was designated to consider the above-referenced motion and to submit a recommendation for its disposition.

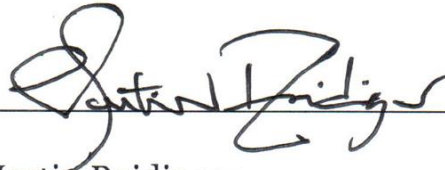
On November 22, 2022, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the pending motion. [Doc. 16]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation regarding the pending motion.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**, and the Defendants' Motion to Dismiss [Doc. 12] is **DENIED**.

IT IS SO ORDERED.

Signed: January 3, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

